

18-1137

The Secretary of State presents his compliments to Their Excellencies and Messieurs and Mesdames the Chiefs of Mission and has the honor to inform the missions that the Department has discontinued the practice of issuing individual letters indicating whether a person born in the United States to a member of the diplomatic community may be a U.S. citizen. This includes any letters that were typically issued following notification of a birth in the United States to a foreign mission member, as well as any requests for individuals seeking evidence they are not a U.S. citizen. The Department notes that such letter is not required to apply for a U.S. passport or a U.S. visa. Individuals (or, in the case of minor children, their parents) wishing to travel to and/or from the United States should apply for the document they believe most appropriate based on the information provided below. The Office of Foreign Missions (OFM) is unable to respond to inquiries requesting guidance on individual cases.

### **Impact of Privileges and Immunities on Birth in the United States**

A child born in the United States to a parent or parents who enjoy diplomatic agent-level immunity is generally not born “subject to the jurisdiction” of the

United States, and therefore does not acquire U.S. citizenship at birth in accordance with the Fourteenth Amendment to the Constitution of the United States and Immigration and Nationality Act 301(a). For current mission members in the United States, such child may be considered by the Department to be entitled to A or G nonimmigrant visa status, which the Visa Office will communicate to the family of such child within a month following proper notification of appointment with OFM. Such child may also apply for a nonimmigrant visa.

A child born in the United States to a parent or parents who are either administrative and technical staff and service staff at embassies, or personnel at consulates who enjoy the level of immunities established by the Vienna Convention on Consular Relations, is born “subject to the jurisdiction” of the United States and therefore generally acquires U.S. citizenship at birth. Such child, whether born to a current mission member or previously born in the United States to a former mission member, will not receive a notification from the Visa Office or any other office within the Department and may be eligible for a United States passport.

The above information is provided as a courtesy solely for the purpose of advising the missions on which travel documents are likely most appropriate for children born in the United States to members of the diplomatic and consular

community based on the privileges and immunities enjoyed by the child at birth. The Department recognizes there are special circumstances that the general rules stated above do not cover. The Department will consider all relevant facts when adjudicating passport and visa applications.

Department of State,

Washington, July 19, 2018.

A handwritten signature in blue ink, consisting of stylized, overlapping loops and a long horizontal stroke extending to the right.